

Applicants : Lars Eric Sundstrom et al.
Appln. No. : 10/719,599
Page : 16

ARGUMENTS/REMARKS

Claims 1, 17 and 27 have been amended, and claims 33-43, withdrawn from consideration, have been canceled. Accordingly, upon entry of the above amendments, claims 1-32 will remain pending and under consideration in the application.

Objection To Disclosure

The Examiner has objected to the disclosure because it contains "an embedded hyperlink and/or other form of browser-executable code."

The objection has been overcome by deletion of the offending matter in the above amendments.

Rejection Under 35 U.S.C. §101

Claims 1-32 have been rejected under 35 U.S.C. §101 on grounds that the claimed invention is not supported by a well-established utility. Specifically, the Examiner has stated that the claims are drawn to a method of protecting "any and all neurons from any damage that might result from ischaemia or some other traumatic event," implying "that 100% of all neurons and neuronal cell types within a given mammal will be completely unaffected by an ischaemic event, no matter how severe, or how long the oxygen deprivation might be."

This rejection has been overcome by amending the claims to encompass a method of treating a mammal "to reduce incidences of neuronal cell death caused by an ischaemic event . . ." As suggested by the Examiner, "reducing the incidence of neuronal cell death" does not imply that 100% of all neurons and neuronal cell types within a given mammal will be completely unaffected by an ischaemic event. Accordingly, it is respectfully submitted that the claims are now supported by a well-established utility, and are in compliance with the requirements of 35 U.S.C. §101.

Claims 1-32 were also rejected under 35 U.S.C. §112, first paragraph, on grounds that the claimed invention is not supported by a well-established utility.

It is believed that this rejection has been overcome by the above amendments to the claims, which are now supported by a well-established utility.

Claims 1-32 also stand rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one

Applicants : Lars Eric Sundstrom et al.
Appln. No. : 10/719,599
Page : 17

skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, the Examiner has stated that undue experimentation would be required to practice the invention as claimed, which recites "protection" against neuronal damage. Nevertheless, the Examiner has stated that claims drawn to a method of reducing the incidence of neuronal cell death would be viewed more favorably.

It is respectfully submitted that the above amendments overcome the rejection by limiting the claims to a method of treating a mammal "to reduce incidences of neuronal cell death caused by an ischaemic event . . ." It is believed that there is sufficient experimental evidence to suggest that the method will be useful for reducing incidences of neuronal cell death caused by an ischaemic event, regardless of when the compound is administered. Thus, it is respectfully submitted that the claims are now in compliance with the requirements of 35 U.S.C. §112, first paragraph.

CONCLUSION

For the reasons stated above, it is respectfully submitted that the application is in condition for allowance and notice of the same is earnestly solicited.

Respectfully submitted,

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Date

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